

**HOUSE BILL NO. 341**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES EASTMAN, Kurka**

**Introduced: 2/17/22**

**Referred: State Affairs, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to the location of legislative sessions after 90 consecutive calendar days**  
2   **of a regular session; relating to grounds for the recall of a legislator; and relating to**  
3   **legislative per diem."**

4   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5       \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6   to read:

7           SHORT TITLE. This Act may be known as the Bring the Legislators Home Act.

8       \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
9   read:

10          LEGISLATIVE FINDINGS. The legislature finds that

11               (1) in 1978, residents of the state overwhelmingly voted in the affirmative to  
12   an advisory question that asked whether the Alaska Constitution should be amended to place a  
13   limit on the length of legislative sessions;

14               (2) in 1984, residents of the state overwhelmingly ratified a constitutional

1 amendment establishing a 121-day limit on legislative sessions;

2 (3) in 2006, residents of the state narrowly approved a ballot measure limiting  
3 regular legislative sessions to not more than 90 days;

4 (4) in 2021, the legislature was in session for a total of 217 days, which was  
5 not in keeping with the spirit of the 121-day constitutional limit on regular sessions or the 90-  
6 day statutory limit on regular sessions approved by voters; and

7 (5) holding legislative sessions for longer than 90 days in the same location

8 (A) is not in keeping with the will of the people expressed at the last  
9 public vote held on the topic;

10 (B) reduces the ability of legislators from other parts of the state to  
11 remain connected with their constituents;

12 (C) erodes public trust in the legislative process;

13 (D) increases the amount of legislative travel to and from the location  
14 of the session and results in unnecessary public expense;

15 (E) discourages residents from other parts of the state from running for  
16 office and serving in the legislative branch of government, resulting in a legislative  
17 branch that is less representative of the diversity of the state; and

18 (F) has, on multiple occasions, resulted in the legislature remaining in  
19 session for more than 210 days in a single year, which is not conducive to the creation  
20 of sound policy.

21 \* **Sec. 3.** AS 15.13.072(d) is amended to read:

22 (d) While the legislature is convened in a regular or special legislative session,  
23 a legislator or legislative employee may not solicit or accept a contribution to be used  
24 for the purpose of influencing the outcome of an election under this chapter unless

25 (1) it is an election in which the legislator or legislative employee is a  
26 candidate and the contribution is for that legislator's or legislative employee's  
27 campaign;

28 (2) the solicitation or acceptance occurs during the 90 days  
29 immediately preceding that election; and

30 (3) the solicitation or acceptance occurs in a place other than the  
31 [CAPITAL CITY OR A] municipality in which the legislature is convened in a

1 regular or special session [IF THE LEGISLATURE IS CONVENED IN A  
2 MUNICIPALITY OTHER THAN THE CAPITAL CITY].

3 \* **Sec. 4.** AS 15.13.072(g) is amended to read:

4 (g) A candidate or an individual who has filed with the commission the  
5 document necessary to permit that individual to incur election-related expenses under  
6 AS 15.13.100 for election or reelection to the office of governor or lieutenant governor  
7 may not solicit or accept a contribution [IN THE CAPITAL CITY] while the  
8 legislature is convened in a regular or special legislative session.

9 \* **Sec. 5.** AS 15.45.510 is amended to read:

10 **Sec. 15.45.510. Grounds for recall.** The grounds for recall are (1) lack of  
11 fitness, (2) incompetence, (3) neglect of duties, or (4) corruption. In addition, a  
12 legislator who, after the 90th consecutive day of a regular session, including the  
13 day the legislature first convenes in that regular session, casts a vote from the  
14 same location at which the legislature was convened during the first 90  
15 consecutive calendar days of that session shall be subject to recall.

16 \* **Sec. 6.** AS 24.05.100(b) is amended to read:

17 (b) A special session may be held at any location in the state, except that the  
18 governor may not call the legislature into special session in the same location at  
19 which the legislature was convened in the preceding regular session. If a special  
20 session called under (a)(1) of this section is to be convened at a location other than at  
21 the capital, the governor shall designate the location in the proclamation. The  
22 legislature may change the location of a special session called by the governor  
23 under (a)(1) of this section if the presiding officers agree to an alternate location  
24 and designate the alternate location in a poll that receives an affirmative vote by  
25 two-thirds of the membership of the legislature. If a special session called under  
26 (a)(2) of this section is to be convened at a location other than at the capital, the  
27 presiding officers shall agree to and designate the location in the poll conducted of the  
28 members of both houses. When the legislature conducts a poll under (a)(2) of this  
29 section or under this subsection, all members must be polled and the yeas and the  
30 nays shall be recorded in the journal of each house.

31 \* **Sec. 7.** AS 24.05.150(b) is amended to read:

(b) The legislature shall, after [ADJOURN FROM A REGULAR SESSION WITHIN] 90 consecutive calendar days of convening in a regular session, including the day the legislature first convenes in that regular session, adjourn from the session or reconvene the session in another location.

\* **Sec. 8.** AS 24.05.150 is amended by adding new subsections to read:

(c) After 90 consecutive calendar days of a regular session, the legislature may not transact business in the location at which the legislature convened during the first 90 consecutive calendar days, and a legislative vote taken in the location at which the legislature convened during the first 90 consecutive calendar days is not binding.

(d) If the legislature does not adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session, or designate a location at which to convene after the 90th consecutive calendar day by a majority vote of the full membership of each house, the legislature shall reconvene at the Anchorage Legislative Information Office for the remainder of the regular session. Notwithstanding AS 24.05.090, if the legislature first convenes a regular session in Anchorage and does not adjourn from the regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session, or designate a location at which to convene after the 90th consecutive calendar day by a majority vote of the full membership of each house, the legislature shall reconvene at the Fairbanks Legislative Information Office for the remainder of the regular session.

\* **Sec. 9.** AS 24.10.030 is amended to read:

**Sec. 24.10.030. Chief clerk and senate secretary.** Each house shall select from outside its membership a person of known stenographic and administrative ability to serve as chief administrative clerk; a chief clerk in the house of representatives and a secretary in the senate. When nominated and elected in conformity with the uniform rules, they continue to serve for the duration of the legislature at the pleasure of the house to which assigned. Pending the organization of a new legislature, they may continue to serve at the request and direction of the legislative council until their respective houses formally reappoint or replace them. The chief clerk and senate secretary are responsible for the performance of duties

provided for by law, the uniform rules, and orders of the house. They may be requested to report to the legislative council for duty for a period not to exceed two weeks immediately preceding the convening of the session and shall remain at the **location of the session** [CAPITAL] until the completion of their work is determined by the director of the council.

\* **Sec. 10.** AS 24.10.130(a) is amended to read:

(a) A member of the legislature may be entitled to reimbursement for the expenses of moving between the member's place of residence and the **location of the session** [CAPITAL CITY] for the purpose of attending a regular session of the legislature.

\* **Sec. 11.** AS 24.10.130(b) is amended to read:

(b) **Except as otherwise provided in this subsection, legislators** [LEGISLATORS] and officers and employees of the legislative branch of government may be entitled to a per diem allowance. **A member of the legislature is not entitled to a daily per diem allowance**

**(1) for a day the legislature is in session in the capital city after the first 90 consecutive days of a regular legislative session; subject to (2) and (3) of this subsection, if the legislature convenes or reconvenes in a location other than the capital city, a member may be entitled to per diem;**

**(2) if the member resides 50 miles or less from the location of the session; and**

**(3) if, for any reason, the member purports to cast a vote after the 90th consecutive day of a regular session from the same location at which the legislature was first convened during the first 90 consecutive calendar days, beginning on the date the member's vote is recorded in the journal and continuing until a new legislature convenes** [; HOWEVER, IF A BILL THAT

FULLY FUNDS AN OPERATING BUDGET HAS NOT, WITHIN THE FIRST 121 CONSECUTIVE DAYS OF A REGULAR LEGISLATIVE SESSION, INCLUDING THE DAY THE LEGISLATURE FIRST CONVENES IN THAT REGULAR SESSION, BEEN PASSED BY THE LEGISLATURE, A MEMBER OF THE LEGISLATURE IS NOT ENTITLED TO A DAILY PER DIEM ALLOWANCE

FOR A DAY THE LEGISLATURE IS IN SESSION AFTER THAT 121-DAY PERIOD UNTIL THE FIRST DAY AFTER A BILL THAT FULLY FUNDS AN OPERATING BUDGET IS PASSED BY THE LEGISLATURE OR THE FIRST DAY OF THE NEXT REGULAR LEGISLATIVE SESSION, WHICHEVER OCCURS EARLIER. IN THIS SUBSECTION, "PASSED BY THE LEGISLATURE" HAS THE MEANING GIVEN IN AS 01.10.070].

\* **Sec. 12.** AS 24.10.130 is amended by adding a new subsection to read:

(d) The Legislative Affairs Agency may not disburse a daily per diem allowance to a member who is not entitled to an allowance under (b) of this section.

\* **Sec. 13.** AS 24.45.041(b) is amended to read:

(b) The registration form prescribed by the commission must include

(1) the lobbyist's full name and complete permanent residence and business address and telephone number, as well as any temporary residential and business address and telephone number in the location of the session [STATE CAPITAL] during a legislative session;

(2) the full name and complete address of each person by whom the lobbyist is retained or employed;

(3) whether the person from whom the lobbyist receives compensation employs the person solely as a lobbyist or whether the person is a regular employee performing other services for the employer that include but are not limited to the influencing of legislative or administrative action;

(4) the nature or form of the lobbyist's compensation for engaging in lobbying, including salary, fees, or reimbursement for expenses received in consideration for, or directly in support of or in connection with, the influencing of legislative or administrative action;

(5) a general description of the subjects or matters on which the registrant expects to lobby or to engage in the influencing of legislative or administrative action;

(6) the full name and complete address of the person, if other than the registrant, who has custody of the accounts, books, papers, bills, receipts, and other documents required to be maintained under this chapter;

(7) the identification of a legislative employee or public official to whom the lobbyist is married or who is the domestic partner of the lobbyist;

(8) a sworn affirmation by the lobbyist that the lobbyist has completed the training course administered by the commission under AS 24.45.031(a) within the 12-month period preceding the date of registration or registration renewal under this chapter, except that this paragraph does not apply to a person who is a representational lobbyist as defined under regulations of the commission;

(9) a sworn affirmation by the lobbyist that the lobbyist has not been previously convicted of a felony involving moral turpitude; in this paragraph, "felony involving moral turpitude" has the meaning given in AS 15.80.010, and includes convictions for a violation of the law of this state or a violation of the law of another jurisdiction with elements similar to a felony involving moral turpitude in this state.

\* **Sec. 14.** AS 24.50.010 is amended to read:

**Sec. 24.50.010. Annual student guests.** The legislature may each year, while in session, serve as host to one member of each high school in the state for a stay of one week in the location of the session [CAPITAL] to observe and learn the legislative process.

\* **Sec. 15.** AS 24.50.040 is amended to read:

**Sec. 24.50.040. Essay contest.** Before leaving [THE STATE CAPITAL], each legislative guest hosted under AS 24.50.010 shall prepare and submit to the director of the Legislative Affairs Agency a paper of not less than 1,000 words entitled "The Legislature Should . . . . .". Each paper shall be examined and judged as to content by the governor, the president of the senate, the speaker of the house of representatives, the minority leader of the senate, and the minority leader of the house. The author of the paper determined best by majority vote shall receive a one-year scholarship to the University of Alaska.

\* **Sec. 16.** AS 24.60.030(a) is amended to read:

(a) A legislator or legislative employee may not

(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions,

1 solicitation or acceptance of contributions for a charity event, as defined in  
 2 AS 24.60.080(a)(2)(B), or the acceptance of a gift under AS 24.60.075 or 24.60.080;

3 (2) use public funds, facilities, equipment, services, or another  
 4 government asset or resource for a nonlegislative purpose, for involvement in or  
 5 support of or opposition to partisan political activity, or for the private benefit of the  
 6 legislator, legislative employee, or another person; this paragraph does not prohibit

7 (A) limited use of state property and resources for personal  
 8 purposes if the use does not interfere with the performance of public duties and  
 9 either the cost or value related to the use is nominal or the legislator or  
 10 legislative employee reimburses the state for the cost of the use;

11 (B) the use of mailing lists, computer data, or other information  
 12 lawfully obtained from a government agency and available to the general  
 13 public for nonlegislative purposes;

14 (C) the legislative council, notwithstanding AS 24.05.190, from  
 15 designating a public facility for use by legislators and legislative employees for  
 16 health or fitness purposes; when the council designates a facility to be used by  
 17 legislators and legislative employees for health or fitness purposes, it shall  
 18 adopt guidelines governing access to and use of the facility; the guidelines may  
 19 establish times in which use of the facility is limited to specific groups;

20 (D) a legislator from using the legislator's private office [IN  
 21 THE CAPITAL CITY] during a legislative session, and for the 10 days  
 22 immediately before and the 10 days immediately after a legislative session, for  
 23 nonlegislative purposes if the use does not interfere with the performance of  
 24 public duties and if there is no cost to the state for the use of the space and  
 25 equipment, other than utility costs and minimal wear and tear, or the legislator  
 26 promptly reimburses the state for the cost; an office is considered a legislator's  
 27 private office under this subparagraph if it is the primary space in the **location**  
 28 **of the session** [CAPITAL CITY] reserved for use by the legislator, whether or  
 29 not it is shared with others;

30 (E) a legislator from use of legislative employees to prepare  
 31 and send out seasonal greeting cards;



1 (F) a legislator from using state resources to transport  
2 computers or other office equipment owned by the legislator but primarily used  
3 for a state function;

4 (G) use by a legislator of photographs of that legislator;

5 (H) reasonable use of the Internet by a legislator or a legislative  
6 employee except if the use is for election campaign purposes;

7 (I) a legislator or legislative employee from soliciting,  
8 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable  
9 organization in a state facility;

10 (J) a legislator from sending any communication in the form of  
11 a newsletter to the legislator's constituents, except a communication expressly  
12 advocating the election or defeat of a candidate or a newsletter or material in a  
13 newsletter that is clearly only for the private benefit of a legislator or a  
14 legislative employee; or

15 (K) full participation in a charity event approved in advance by  
16 the Alaska Legislative Council;

17 (3) knowingly seek, accept, use, allocate, grant, or award public funds  
18 for a purpose other than that approved by law, or make a false statement in connection  
19 with a claim, request, or application for compensation, reimbursement, or travel  
20 allowances from public funds;

21 (4) require a legislative employee to perform services for the private  
22 benefit of the legislator or employee at any time, or allow a legislative employee to  
23 perform services for the private benefit of a legislator or employee on government  
24 time; it is not a violation of this paragraph if the services were performed in an  
25 unusual or infrequent situation and the person's services were reasonably necessary to  
26 permit the legislator or legislative employee to perform official duties;

27 (5) use or authorize the use of state funds, facilities, equipment,  
28 services, or another government asset or resource for the purpose of political fund  
29 raising or campaigning; this paragraph does not prohibit

30 (A) limited use of state property and resources for personal  
31 purposes if the use does not interfere with the performance of public duties and

1 either the cost or value related to the use is nominal or the legislator or  
 2 legislative employee reimburses the state for the cost of the use;

3 (B) the use of mailing lists, computer data, or other information  
 4 lawfully obtained from a government agency and available to the general  
 5 public for nonlegislative purposes;

6 (C) storing or maintaining, consistent with (b) of this section,  
 7 election campaign records in a legislator's office;

8 (D) a legislator from using the legislator's private office [IN  
 9 THE CAPITAL CITY] during a legislative session, and for the 10 days  
 10 immediately before and the 10 days immediately after a legislative session, for  
 11 nonlegislative purposes if the use does not interfere with the performance of  
 12 public duties and if there is no cost to the state for the use of the space and  
 13 equipment, other than utility costs and minimal wear and tear, or the legislator  
 14 promptly reimburses the state for the cost; an office is considered a legislator's  
 15 private office under this subparagraph if it is the primary space in the **location**  
 16 **of the session** [CAPITAL CITY] reserved for use by the legislator, whether or  
 17 not it is shared with others; or

18 (E) use by a legislator of photographs of that legislator.

19 \* **Sec. 17.** AS 24.60.031(a) is amended to read:

20 (a) A legislative employee may not

21 (1) on a day when either house of the legislature is in regular or special  
 22 session, solicit or accept a contribution or a promise or pledge to make a contribution  
 23 for a campaign for state or municipal office; however, a legislative employee may,  
 24 except in the [CAPITAL CITY OR IN THE] municipality in which the legislature is  
 25 convened in **a regular or** special session [IF THE LEGISLATURE IS CONVENED  
 26 IN A MUNICIPALITY OTHER THAN THE CAPITAL CITY], solicit or accept a  
 27 contribution, promise, or pledge for a campaign for state or municipal office that  
 28 occurs during the 90 days immediately preceding the election for that office; or

29 (2) accept money from an event held on a day when either house of the  
 30 legislature is in regular or special session if a substantial purpose of the event is to  
 31 raise money on behalf of the legislative employee for political purposes; however, this

paragraph does not prohibit a legislative employee from accepting money from an event held in a place other than the [CAPITAL CITY OR A] municipality in which the legislature is convened in a regular or special session [IF THE LEGISLATURE IS CONVENED IN A MUNICIPALITY OTHER THAN THE CAPITAL CITY] during the 90 days immediately preceding an election for state or municipal public office in which the legislative employee is a candidate.

\* **Sec. 18.** AS 24.60.031(b) is amended to read:

(b) A legislator may not

(1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution

(A) for the legislator's own campaign for state or municipal public office, unless the solicitation, acceptance, promise, or pledge occurs in a place other than the [CAPITAL CITY OR A] municipality in which the legislature is convened in a regular or special session [IF THE LEGISLATURE IS CONVENED IN A MUNICIPALITY OTHER THAN THE CAPITAL CITY] during the 90 days immediately preceding the election in which the legislator is a candidate;

(B) for another candidate in an election for municipal, state, or federal office;

(C) to influence a state ballot proposition or question; or

(D) for a political party;

(2) accept money from an event held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to raise money on behalf of the legislator's campaign for state or municipal public office; however, this paragraph does not prohibit a legislator from accepting money from an event held in a place other than the [CAPITAL CITY OR A] municipality in which the legislature is convened in a regular or special session [IF THE LEGISLATURE IS CONVENED IN A MUNICIPALITY OTHER THAN THE CAPITAL CITY] during the 90 days immediately preceding a state or municipal election in which the legislator is a candidate; or

(3) in a campaign for state or municipal office, expend money that was

1 raised on a day when either house of the legislature was in a legislative session by or  
 2 on behalf of a legislator under a declaration of candidacy or a general letter of intent to  
 3 become a candidate for public office; however, this paragraph does not apply to  
 4 money raised in a place other than the [CAPITAL CITY OR A] municipality in which  
 5 the legislature is convened in a regular or special session [IF THE LEGISLATURE  
 6 IS CONVENED IN A MUNICIPALITY OTHER THAN THE CAPITAL CITY]  
 7 during the 90 days immediately preceding an election in which the legislator is a  
 8 candidate.

9 \* **Sec. 19.** AS 24.60.080(c) is amended to read:

10 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section  
 11 for a person who is a legislator or legislative employee to accept

12 (1) hospitality, other than hospitality described in (4) of this  
 13 subsection,

14 (A) with incidental transportation at the residence of a person;  
 15 however, a vacation home located outside the state is not considered a  
 16 residence for the purposes of this subparagraph; or

17 (B) at a social event or meal;

18 (2) discounts that are available

19 (A) generally to the public or to a large class of persons to  
 20 which the person belongs; or

21 (B) when on official state business, but only if receipt of the  
 22 discount benefits the state;

23 (3) food or foodstuffs indigenous to the state that are shared generally  
 24 as a cultural or social norm;

25 (4) travel and hospitality primarily for the purpose of obtaining  
 26 information on matters of legislative concern;

27 (5) gifts from the immediate family of the person; in this paragraph,  
 28 "immediate family" means

29 (A) the spouse of the person;

30 (B) the person's domestic partner;

31 (C) a child, including a stepchild and an adopted child, of the

1 person or of the person's domestic partner;

2 (D) a parent, sibling, grandparent, aunt, or uncle of the person;

3 (E) a parent, sibling, grandparent, aunt, or uncle of the person's  
4 spouse or the person's domestic partner; and

5 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-  
6 aunt, or step-uncle of the person, the person's spouse, or the person's domestic  
7 partner;

8 (6) gifts that are not connected with the recipient's legislative status;

9 (7) a discount for all or part of a legislative session, including time  
10 immediately preceding or following the session, or other gift to welcome a legislator  
11 or legislative employee who is employed on the personal staff of a legislator or by a  
12 standing or special committee to the location of the session [CAPITAL CITY] or in  
13 recognition of the beginning of a legislative session if the gift or discount is available  
14 generally to all legislators and the personal staff of legislators and staff of standing and  
15 special committees; this paragraph does not apply to legislative employees who are  
16 employed by the Legislative Affairs Agency, the office of the chief clerk, the office of  
17 the senate secretary, the legislative budget and audit committee, the office of victims'  
18 rights, or the office of the ombudsman;

19 (8) a gift of legal services in a matter of legislative concern and a gift  
20 of other services related to the provision of legal services in a matter of legislative  
21 concern;

22 (9) a gift of transportation from a legislator or a legislative employee to  
23 a legislator or a legislative employee if the transportation takes place in the state on or  
24 in an aircraft, boat, motor vehicle, or other means of transport owned or under the  
25 control of the donor; this paragraph does not apply to travel described in (4) of this  
26 subsection or travel for political campaign purposes; or

27 (10) a contribution to a charity event, a ticket to a charity event, or a  
28 gift in connection with a charity event; in this paragraph, "charity event" has the  
29 meaning given in (a)(2)(B) of this section.